

**SMART & BIGGAR**

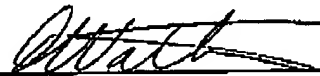
Intellectual Property &amp; Technology Law

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CENTRAL FAX CENTER****DEC 21 2007**P.O. Box 2999, Station D  
55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6**To Fax no.:** (571) 273-8300**Page 1 of:** 17**Attention:** MAILSTOP AF  
Examiner: PICH, Ponnoreay  
Group Art Unit 2135Tel.: (613) 232-2486  
Fax: (613) 232-8440**From:** SMART & BIGGAR**Your file no.:** 09/892,490**Date:** December 21, 2007**Reply to Ottawa file no.:** 77666-10/jas**Time:****EXPEDITED HANDLING REQUESTED****Certificate of Transmission**I hereby certify that this correspondence is being facsimile  
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David M. Walters (Reg. No. 53,904)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/892,490 Confirmation No. 3152  
Applicant : Robert Everett Parkhill, et al  
Filed : June 28, 2001  
TC/A.U. : 2135  
Examiner : Ponnoreay Pich  
  
Docket No. : 77666-10  
Customer No. : 07380

**STATEMENT OF THE SUBSTANCE OF AN INTERVIEW**

The Examiner is thanked for taking the time for discuss the above-identified application with Mr. David Walters (Reg. No. 53,904) on December 13, 2007.

Two possible clarifying amendments to the “eroding” feature recited in claim 2 were discussed. In particular, two amendments were proposed, including adding one of the following to the end of the claim:

“, to thereby prevent the unallocated time from being maintained indefinitely”;  
and

“by subtracting additional time from the unallocated time independently  
of subtracting the lifetime of the assertion from the unallocated time”.

It was acknowledged by the Examiner that the intended meaning of the “eroding” feature was understood and had not been found in the search of the prior art. The Examiner further advised that the intended meaning was not entirely clear from the claims.

The Examiner also indicated that any amendments to the independent claims to incorporate a clarified version of the “eroding” feature would be considered and that an amendment incorporating both of the proposed amendments would be preferred.

No agreement was reached as to the allowability of claims incorporating the proposed amendments.

Appl. No. 09/892,490

A copy of the Applicant initiated Interview Request Form is attached.

**SMART & BIGGAR***Intellectual Property & Technology Law*

To Fax no.: (571) 273-7962

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55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6

Page 1 of: 2

Attention: Group Art Unit 2135  
Examiner: Ponnoreay PICHTel.: (613) 232-2486  
Fax: (613) 232-8440

From: SMART &amp; BIGGAR

Your file no.: 09/892,490

Date: December 7, 2007

Reply to Ottawa file no.: 77666-10 /jas

Time:

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David M. Walters (Reg. No. 53,904)

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DEC 21 2007

PTOL-411A (06-07)

Approved for use through 08/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 09/892,490 First Named Applicant: ROBERT EVERETT PARKHILL  
 Examiner: Ponnoreay PICH Art Unit: 2135 Status of Application: PENDING

## Tentative Participants:

(1) David Walters (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: December 13, 2007 Proposed Time: 1:00 P.M. (AM/PM)

## Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

## Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims / Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>35 USC 103</u>	<u>Claim 2</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

## Brief Description of Arguments to be Presented:

Claim 2: Possible clarifying amendment to "eroding" feature to distinguish over cited references (see  
page 6 of Final Office Action dated August 22, 2007)

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

David M. Walters  
 Applicant / Applicant's Representative Signature

\_\_\_\_\_  
 Examiner / SPE Signature

David M. Walters

Typed/Printed Name of Applicant or Representative

53,904

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.